

Amendments to the Drawings:

A new drawing sheet is added hereby after page 12 of this paper including new Fig. 5.

Attachment: New drawing sheet

REMARKS/ARGUMENTS

Claims 2-6 and 10-22 are pending herein. Claims 2-6 have been amended hereby to correct matters of form and for clarification purposes only. Claims 1, 7, 8 and 9 have been cancelled in favor of rewritten claims 10-15. New claims 16-19 have been added hereby as supported by Figs. 3 and 4, and paragraphs [0004], [0016] and [0032] of the specification, for example. New claims 20, 21 and 22 have been added hereby as supported by original claims 2, 3, 5 and 6. Applicants respectfully submit that no new matter has been added.

In addition, new Fig. 5 has been added, and the specification has been amended to include reference to Fig. 5. Fig. 5 and the reference to it in the specification are supported by the original specification, in particular, paragraph [0032] which describes a conventional washing machine having a fixed frame and a drum, as well as a push rod 4 (see Fig. 4) connected to the fixed frame with a first ball joint, and connected to the drum with a second ball joint. Entry and approval of new Fig. 5 are respectfully requested.

1. Applicants appreciate the PTO indicating that claims 8 and 9 are allowed. Since claims 8 and 9 were dependent upon independent claim 1, these claims were rewritten in independent form as new claims 10 and 13, respectively.

In particular, the features of claim 8 are now recited in new claims 10-12, and the features of claim 9 are now recited in new claims 13 and 15. Further, the features of claim 7 are now recited in new claims 13 and 14, claims 2-6 have each been amended to depend from new claim 10, and new claims 20-22 have been added to depend from claims 2, 3, and 5, respectively.

In view of the above, Applicants respectfully submit that these claims are in condition for allowance, as well. In addition to claims 2-6, 10-15 and 20-22, Applicants respectfully submit that new claims 16-19 are also in condition for allowance for the reasons explained below, and respectfully request that the PTO issue a Notice of Allowance for this application in due course.

2. The §112, first paragraph rejection of claims 3 and 6 is noted, but deemed moot in view of the rewritten claims submitted above. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

3. The §102(b) rejection of claims 1-4 and 7 over White is noted, but deemed moot in view of the cancellation of claims 1 and 7 and in view of the new and rewritten claims submitted above. To the extent that this rejection might instead be applied against new claims 16-19, it is respectfully traversed.

Independent claim 16 includes the features of original claim 1, but is further limited to the specific context of a domestic appliance application, and further includes the feature that the movable element of the device is articulated on a movable part of the domestic appliance and the sensor of the device is articulated on a fixed part of the domestic appliance. Applicants respectfully submit that support for new claims 16-19 can be found in the present specification in paragraphs [0004] and [0016], for example, as well as paragraph [0032] (in connection with Figs. 3 and 4).

Applicants respectfully submit that while White discloses a linkage position sensor that detects the position of linkages in automobiles or other vehicles, White does not disclose a path/position measuring device for a domestic appliance, as recited in independent claim 16. Further, Applicants respectfully submit that White does not disclose that a movable element of the linkage position sensor is articulated on a movable part of an otherwise undisclosed domestic appliance, or that a sensor of the linkage position sensor is articulated on a fixed part of such an otherwise undisclosed domestic appliance.

For at least the foregoing reasons, Applicants respectfully submit that all claims pending herein define patentable subject matter over the applied references. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

4. The §103(a) rejection of claim 5 over Rountos is noted, but deemed moot in view of the new and rewritten claims submitted above. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

January 24, 2005

Date



Kevin C. Brown

Reg. No. 32,402

KCB/NB/gmh

Attachment: New drawing sheet

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320